and also the said James Gwin in the will of the said George Thorold mentioned were severally in their life times priests and ministers of the Roman Catholic Religion and to prove that the said James Carroll George Thorold Richard Molyneaux and George Hunter James Walton and the Lessors of the plaintiff have at all times from the fifteenth day of September in the year of our Lord one Thousand seven hundred and nine been in the actual possession of the said Tract of land called Agnes and the patent thereof and under the said deed several Wills and declarations above mentioned claiming the same as their estate gave in evidence to the Jury an extract from the rent roll of Anne Arundel County which is in the following words and figures

acres	gd rent					
400	16	Agnes Surv 3 Sept 1682 for Henry Handloff on the East side of the north branch of Patapsco River Pos Thos Gafaway in right of his wife the daughter of said Handloff	400	16	Sold lands from Thos Gafaway & Bro 15 Sept 1799	

Taken from rent roll In. Hilty Reg. of Wills

The Plaintiff also offered in evidence for the purpose aforesaid the plots and Explanations in this case filed and returned and the depositions taken on the survey and stated in the record and proceedings in this cause and the plots and explanations filed and returned in a certain action of ejectment formerly depending in this Court wherein the Defendant in this action was Lessor of the Plaintiff and a certain John Ashton was Defendant And the Depositions taken and filed in the said action and which are by agreement admitted as Evidence in this cause and which are included in and constitute a part of the record and proceedings in this cause and the plaintiff also gave in evidence for the purpose aforesaid that for more than forty years last past the Priests of the Roman Catholic religion and after them the Lessors of the plaintiff have held possessed and occupied the said Tract of land called Agnes by themselves and their agents cultivating part and claiming the whole as their Estate in fee simple and that there is no recollection

or tradition of the said Tract of land or any part of it having ever been held or claimed as such by any person or persons other than the said Priests and their agents and the Lessors of the plaintiff and their agents But the Defendant by his Counsel objected to the said Testimony offered for the said last mentioned purpose And the Court was of opinion and so directed the Jury that the matters so offered in Evidence for the purpose of proving that the said James Carroll George Thorold Richard Molyneaux George Hunter and James Walton were in possession as aforesaid are not competent or proper Evidence to prove that the said George Hunter was in possession of the said land or any part thereof claiming the whole To which opinion and direction of the Court the plaintiff by his Counsel prayed leave to except and that the Court will sign and seal this his bill of Exceptions according to the form of the Statute in such case made and provided which is done accordingly this 30th day of May in the year of our Lord one Thousand eight hundred and five

Jeremiah Townley Chase (seal)

Richard Spragg (seal)

No 4. And the plaintiff by his Counsel for the purpose of proving that the said Tract of land and other large Estates were at all times held claimed and occupied by the said George Thorold Richard Molyneaux George Hunter and James Walton so far as they had or supposed themselves respectively to have any right title or interest in and to the same on a secret and confidential trust for the use support and maintenance of the ministers of the roman catholic religion in this State and that the object and intention of the said George Thorold in making his aforesaid will was to provide a Trustee for holding the said lands and estates in case the said Richard Molyneaux should either die in the life time of the said George Thorold or in case of surviving him should omit to devise or convey the said lands and estate to some proper person who might hold the same as Trustee and transmit it in like manner offered in evidence